

RH Great Brit. - Geo. 4 [i]

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358.6.6
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As amended by the House of Commons

A C T for Dividing, Inclosing, and Allotting, the Moors, Commons, and waste Grounds, commonly called Pool Common, within the Manors of Lanverchidol and Stret Marcel, otherwise Street Marshall, in the Parishes of Pool and Guilsfield, in the County of Montgomery.

C. 36.

Whereas there are several Parcels of Moor, common or waste Ground, called or known, and comprised within the Denomination of *Pool Common*, lying and being within the Manors of *Lanverchidol* and *Stret Marcel*, otherwise *Street Marshall*, in the Parishes of *Pool* and *Guilsfield*, in the County of *Montgomery*, containing in the Whole, by Estimation, One hundred and Fifty-six Acres, or thereabouts:

And whereas the Right Honourable *Henry Arthur Earl of Powis* is Lord of the said Manors of *Lanverchidol* and *Stret Marcel*, otherwise *Street Marshall*, and Owner of the Royalties, and seised of the Inheritance, of the said Moors, Commons, and waste Grounds, as belonging to, and being Part and Parcel of, the said Manors:

And whereas the said Earl, and the Bailiffs, Aldermen, and Burghers, of the Borough of *Pool*, in the said County of *Montgomery*, are the sole Proprietors of, and intitled, exclusive of all others, to Common of pasture for their Cattle of all Kinds in and upon the said Moors or waste Ground called *Pool Common*:

And whereas the said Moors, Commons, and waste Grounds, are at present of little Use or Service to the Persons intitled to such Right of Common thereon as aforesaid; but if the same were inclosed, divided,

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and

and converted into Tillage and manurable Land, a great Profit and Advantage would thereby arise and be produced to the Parties interested therein respectively, and the same would be of publick Utility; and, in Consideration and Prospect thereof, the said *Henry Arthur Earl of Powis*, and the said Bailiffs, Aldermen, and Burgeses, of the Borough of *Pool* aforesaid, are willing and desirous that a Partition, Severance, and Division, shall be made of the said Moors, Commons, and waste Grounds, called *Pool Common*, by Commissioners in that behalf to be appointed; and that One full Tenth Part of the said Moors, Commons, and waste Grounds, should be assigned and allotted to, and vested in, the said *Henry Arthur Earl of Powis*; and the other remaining Nine Parts thereof should be assigned and allotted to, and vested in, the said Bailiffs, Aldermen, and Burgeses, and their Successors, for the Time being, for ever:

But although such Severance, Partition, and Division, will be of great Benefit and Advantage to the said Parties, and of publick Utility; Yet the same cannot be effectually established without the Aid of an Act of Parliament:

May it please Your MAJESTY,

That it may be **Enacted**, And be it **Enacted**, by the KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by and with the Authority of the same, That the said Moors, Commons, and waste Grounds, called *Pool Common*, situate, lying, and being, within the Manors of *Lanverchidol* and *Stret Marcel*, otherwise *Street Marshall*, in the said County of *Montgomery*, shall, on or before the Twenty-ninth Day of *September* in the Year of our Lord One thousand Seven hundred and Sixty-one, be set out, divided, apportioned, and allotted, by *Thomas Lloyd of Trefnant*, *Henry Wynn of Doleardden*, *Thomas Brown of Mellington*, *John Lloyd of Troescoed*, and *Devereux Mytton of Guilsfield*, in the County of *Montgomery*, Esquires, Commissioners appointed by this A&C, and the Survivors and Survivor, or any Three or more of them, unto and for the said *Henry Arthur Earl of Powis*, and the said Bailiffs, Aldermen, and Burgeses, of *Pool* aforesaid, in such Shares and Proportions, and subject to such Rules, Orders, and Directions, as are herein after established, appointed, and prescribed, in that behalf.

Commissioners Names.

Survey to be made.

Allotments to the said Earl to be laid out conveniently.

And, for that Purpose, **It is hereby further Enacted**, That the said Commissioners, and the Survivors and Survivor, or any Three or more of them, do and shall, with all convenient Speed, order and direct a Survey and Admeasurement of the said Moors, Commons, and waste Grounds, and a Map or Plan of the same to be made, drawn, prepared, and to be produced to, and laid before them, on or before the Twenty-fourth Day of *June* One thousand Seven hundred and Sixty-one; and that the said Commissioners, or the Survivors or Survivor, or any Three or more of them, shall and may, within Three Months after such Survey, Map, or Plan, shall be made, drawn, prepared, and produced as aforesaid, set out, assign, and allot, unto and for the said *Henry Arthur Earl of Powis*, and the Lords of the Manors of *Lanverchidol* and *Stret Marcel*, for the Time being, so much and such Parcel of Land and Ground, being Part of the Moors or waste Ground called

called *Pool Common*, lying all together and in One Plot, and as near as convenient and commodious to and for some Part of the cultivated and inclosed Lands of the said Earl within the said Manors, as by the said Commissioners, or the Survivors or Survivor, or any Three or more of them, shall be deemed or adjudged to contain and comprise One full Tenth Part (Quantity and Quality considered) of the said Moors, Commons, or waste Grounds, so intended to be severed and divided.

Prohibited always, and it is hereby Enacted and Declared, That the said Commissioners, or the Survivors or Survivor, or any Three or more of them, shall and may, and they are hereby authorized and required, to set out and appoint such Ways and Roads, in, upon, over, and through, the said Moor and Common, so to be inclosed as aforesaid, to be used as well for public Highways or Roads as for the Benefit and Convenience of the Owners and Occupiers of Lands and Grounds, lying contiguous or adjoining to the said Moor and Common, or any Part thereof, as to the said Commissioners, or the Survivors or Survivor, or any Three of them, shall seem requisite and expedient.

And it is hereby further Enacted, That immediately after the Allotment to said Parcel of Land and Ground shall be so assigned and allotted as aforesaid, the same shall from thenceforth be vested in, and be held and enjoyed by, the said *Henry Arthur Earl of Powis*, and the Lords of the Manors of *Lanverchidol* and *Stret Marcel* aforesaid, for the Time being, for ever, freed, exempted, and discharged, from all Right of Common whatsoever, claimed or to be claimed by the Bailiffs, Aldermen, and Burgesses, of the Borough of *Pool* aforesaid; and the Residue and Remainder of the Lands and Grounds comprised and contained in the said Moor, Common, or waste Ground, and not hereby directed and appointed to be allotted to the said Earl as aforesaid, shall, immediately after such Allotment, belong unto, and the same are hereby from thenceforth vested in, the said Bailiffs, Aldermen, and Burgesses, of the Borough of *Pool* aforesaid, and their Successors, in their Corporate Capacity, for ever; but upon the Trusts, and to and for the Ends, Intents, and Purposes, herein after-mentioned: And that it shall and may be lawful to and for the said Corporation to cause the same to be subdivided and inclosed, for the better Cultivating, Ordering, Managing, and Improving, of the same.

And it is hereby further Enacted, by the Authority aforesaid, That immediately after the said Commissioners, and the Survivor and Survivors, or any Three or more of them, shall have completed and finished the said Partition and Allotment, of the said Moor, Common, or waste Grounds, pursuant to the Purport and Directions of this Act, they shall form and draw up, or cause to be formed and drawn up, an Award or Instrument in Writing, which shall express, specify, and contain, the Quantity, in Statute Measure, of Acres, Roods, and Perches, contained in the said Moor, called *Pool Common*, so directed and intended to be divided and inclosed as aforesaid, and the Quantity of the Lands and Grounds to be allotted unto and for the said *Henry Arthur Earl of Powis*, in pursuance of this Act, and the exact Descriptions of the Situation, Buttals, and Boundaries, of the Lands and Grounds comprised in the said Allotment, and a Description of such Ways and Roads so to be set out and appointed; and also such other Orders, Regulations, and Determinations,

minations, as shall be proper and necessary to be inserted therein, for the Perfecting and Completing the said intended Division and Inclosure, as to them shall seem requisite and expedient, and conformable to the Tenor and Purport of this Act; which said Award or Instrument shall be fairly ingrossed upon Parchment, and signed and sealed by the said Commissioners, or their Successors, or any Three or more of them, on or before the said Twenty-ninth Day of *September* One thousand Seven hundred and Sixty-one, and One Part thereof shall be delivered to the said *Henry Arthur Earl of Powis*, and one other Part thereof delivered to the said Bailiffs, Aldermen, and Burgesses of the said Borough of *Pool*, or their Successors, for the Time being.

Right of
Common ex-
tinguished.

And it is hereby further Enacted, by the Authority aforesaid, That immediately after finishing the said Division and Allotments, and the Execution of the said Award or Instrument, all Right of Common, in, over, and upon the said Moor, Commons, and waste Grounds, herein before directed to be severed and divided as aforesaid, shall cease, determine, and be for ever extinguished.

How the Ex-
pences of
surveying, &c.
are to be paid.

And it is hereby further Enacted, by the Authority aforesaid, That the Charges and Expences, incident to or attending the passing of this Act, and of the surveying, dividing, allotting, and setting out, of the said Moor, Common, or waste Grounds, so intended to be divided and inclosed as aforesaid, and of the preparing, making, and executing the said Award or Instrument, and all other Charges and Expences attending the Execution of this present Act, shall be borne and defrayed by the said *Henry Arthur Earl of Powis*, and the Corporation of *Pool* respectively, in the Proportion herein after mentioned; that is to say, One Tenth Part by the said Earl, or the Lord of the Manor of *Lanverchidol* and *Stret Marcel*, for the Time being, and the Residue of the said Charges and Expences, by the said Corporation of the Borough of *Pool* aforesaid, and shall be paid to such Person and Persons, and at such Time and Times, as the said Commissioners, or the Survivors or Survivor of them, or any Three or more of them, shall for that Purpose nominate, direct, or appoint.

Power for the
Corporation
to make Se-
curities to
raise Money
to defray Ex-
pences.

And whereas the said Bailiffs, Aldermen, and Burgesses, of the said Borough of *Pool* for the Time being, may have Occasion to borrow Money to pay and defray their respective Shares and Proportions of the Charges and Expences attending such Division and Inclosure, and the obtaining and passing this Act, and for building, repairing, beautifying, or enlarging, the publick Edifices belonging to the said Borough and Corporation; **Be it therefore further Enacted**, by the Authority aforesaid, That it shall and may be lawful to and for the said Bailiffs, Aldermen, and Burgesses, of the said Borough of *Pool*, for the Time being, to charge the Lands and Grounds which shall be assigned and allotted to them, by virtue and in pursuance of this Act, with any Sum or Sums of Money, not exceeding Three Pounds, for every Acre of the Lands and Grounds to be allotted to them, in order to be applied and disposed of for the Purposes aforesaid; and, for the securing the Repayment of the said Sum or Sums of Money, with Interest for the same, to grant, mortgage, lease, and demise, the Lands and Grounds so to be charged,

charged, unto such Person or Persons as shall advance and lend the same respectively, for any Term or Number of Years; so as such Grant or Demise be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered, when such Sum or Sums of Money thereby to be secured, with the Interest thereof, and the Charges occasioned by the preparing and executing such Security, and of borrowing such Sum and Sums of Money respectively, shall be fully satisfied and paid, such Charges to be ascertained in such Security.

And it is hereby further Enacted and Declared, That every such Securities for the same to be valid; Grant, Mortgage, Lease, or Demise, of the said Grounds, Lands, and Premises, or any Part thereof, so to be made in pursuance of this Act, shall be good, valid, and effectual in the Law, for the Purposes thereby intended, notwithstanding any Use or Trust, of or concerning such Grounds, Lands, and Premises, or any Part thereof, then in being or capable of taking Effect, to the contrary.

And it is hereby further Enacted and Declared, by the Authority aforesaid, That all and every Person and Persons, to whom such Grant, Mortgage, Lease, or Demise, shall be made as a Security for any Sum or Sums of Money, by him, her, or them, lent and advanced on the Credit of, and for the Purposes mentioned in this Act, or who shall, for the Time being, be intitled to the Money thereby to be secured, shall and may, from time to time, by any Deed or Deeds, Writing or Writings, under his, her, or their Hand and Seal, or Hands and Seals, to be executed in the Presence of Two or more credible Witnesses, assign or transfer the said Security or Securities, or the Principal Money and Interest thereby secured, and all Benefit and Advantage thereof, and all his, her, and their Right, Title, and Interest, in and to the same, unto any Person or Persons whomsoever, who may again in like manner assign the same, and so *toties quoties*; and such Mortgagee or Mortgagees, Assignee or Assignees, his, her, and their Executors and Administrators, and all Persons claiming under them, or any of them, shall and may use, take, and pursue, all such lawful Methods in Law or Equity, for recovering and obtaining Possession of the Premises so to be mortgaged, demised, or assigned, in case of the Non-payment of the said Principal Money or Interest to be thereby secured, or any Part thereof, as is or are used, taken, and pursued, in all Cases of the like Nature.

And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful to and for the said Bailiffs, Aldermen, and Burgesse, of the said Borough of *Pool*, for the Time being, by Indenture or Indentures, under their common Seal, to demise and lease all or any Part of Power for the Corporation to make Leases for 21 Years. the said Moors, Commons, and waste Grounds, which shall be allotted to them, in pursuance of this Act, to any Person or Persons, that shall or may be willing, at his or their own Charges and Expences, to inclose and divide the same, or to any other Person or Persons, for and during any Term or Number of Years, not exceeding Twenty-one Years, to be accounted from the Time of making such Leases, to commence and take effect in Possession, and not in Reversion, or by Way of future Interest, reserving upon every such Lease or Leases, Demise or Demises, during the Continuance of the same respectively, as much Rent as the same Premises, so to be letten, shall be reasonably worth, by the Year, and so as

the same Lessee or Lessees be not made disipunishable of Waste, by any Words for that Purpose therein to be contained, and so as the same contain therein a Clause for Re-entry, for Non-payment of the Rent and Rents thereby to be reserved, and the usual Covenants contained in Leases of Lands in the said County of *Montgomery*, and so as Counterparts of such Leases be sealed and executed by the said Lessee or Lessees as aforesaid.

Securities to be made with Consent of Commissioners.

Provided nevertheless, and be it further Enacted, That all and every the Lease or Leases that shall be first made and granted by the said Bailiffs, Aldermen, and Burgesses, of the Borough of *Pool* as aforesaid, and also all such Grant, Mortgage, Lease, and Demise, by them to be made for securing the Repayment of any Sum or Sums of Money to be by them borrowed, for the Purposes aforesaid, by virtue or in pursuance of this present Act, shall be so made by and with the Consent and Approbation of the said Commissioners, or the Survivors or Survivor of them, or any Three or more of them, testified by their being made Parties to, and executing the same respectively.

Commissioners dying, or refusing to act, others to be chosen.

And be it further Enacted, by the Authority aforesaid, That if any of the Commissioners herein before-named, or any new Commissioners to be appointed, in their or any of their stead, shall happen to die, or refuse to act, then and so often it shall and may be lawful to and for the other Commissioners for the Time being, or any Three or more of them, by Writing under their Hands, to elect and appoint another Commissioner or Commissioners, not interested in the said Moor, Common, and waste Grounds, intended to be divided and inclosed as aforesaid, or any Part thereof, in the room and stead of the Commissioner or Commissioners so dying or refusing to act as aforesaid; and the Person or Persons so elected and appointed shall have the like Powers and Authorities, by virtue of this Act, as the Commissioner or Commissioners, in whose place or places he or they shall succeed was or were severally vested with.

The clear Rents to be applied in repairing the public Edifices, &c.

And be it further Enacted, by the Authority aforesaid, That the clear yearly Rents, Issues, and Profits, arising or to be made from the said Lands and Grounds so to be allotted, to and for the said Corporation of *Pool*, as aforesaid, in pursuance of this Act, shall, in the First place, be applied towards building, repairing, beautifying, enlarging, and maintaining, in good Condition and Repair, the public Edifices belonging to the said Borough and Corporation of *Pool* (which are now greatly gone to Decay), and the Surplus of such Rents and Profits, after answering the Purposes aforesaid, and after the Payment and Discharge of all and every the principal Sum and Sums of Money that shall, at any time or times, be borrowed by the said Corporation, under and by virtue of this Act, together with all Interest that shall accrue due for the same, shall be paid and applied from time to time, for the Benefit and Relief of the poor and distressed Burgesses of the said Borough of *Pool*, in such manner as the said Bailiffs, Aldermen, and Burgesses, and their Successors, for the Time being, shall order and appoint.

Bailiffs to be answerable and accountable for the Rents and Profits.

And be it further Enacted, by the Authority aforesaid, That the Bailiffs of the said Borough of *Pool*, for the Time being, shall be answerable and accountable for the Money which shall be received by them, or by their Order respectively, in pursuance of this Act, and shall, at the Time

Time of going out of their respective Offices, render and deliver in a just and true Account of the Receipts, Payments, and Application of such Rents, Issues, and Profits, as shall, from time to time, come to their or any of their Hands, or to the Hands of any other Person or Persons, by their Order, or for their Uses, and shall, at the same time, pay and deliver to the Bailiffs their Successors, the Ballance or Surplus of the Money, which shall, on such Account, appear to be remaining in their Hands respectively.

And be it further Enacted, by the Authority aforesaid, That nothing herein contained shall extend, or be construed to defeat, lessen, or preju-^{For saving} dice, the Right, Title, or Interest, of him the said *Henry Arthur Earl of the Lord of Powis*, or his Heirs or Assigns, of, in, and to, the Seigniory and Royalties incident and belonging to the said Manors of *Lanverchidol* and *Stret Marcel*, otherwise *Street Marshall*, or either of them; but he, and all Persons claiming under him as Lord or Lords of the said Manors, or either of them, for the Time being, shall and may, from time to time, and at all times for ever hereafter, hold and enjoy all Rents, Courts, Perquisites and Profits of Courts, Goods and Chattels of Felons and Fugitives, Felons of themselves, and put in Exigent, Deodands, Waifs, Estrays, Forfeitures, Mines of Coal Alom, Lead, and other Mines, Minerals, and all other Rights, Services, Suits, Customs, Royalties, Privileges, and Appurtenances, to the said Manors, or either of them, or to the Lord or Lords thereof for the Time being, incident, appendant, belonging, or in any-wise appertaining (other than and except such Common of Paiture, and other Common Right, as can or may be claimed by, or belonging to, the Lord or Lords of the said Manors respectively for the Time being, in and upon the Premises so to be divided and inclosed as aforesaid), in as full, ample, and beneficial Manner, to all Intents and Purposes, as the Lord of the said Manors for the Time being could or might have held and enjoyed the same, in case this Act, or the said intended Division and Inclosure, had not been made; he or they making a just and reasonable Satisfaction and Recompence for all Damages to be done to the Owner or Occupier of any Land or Ground so to be inclosed as aforesaid, in pursuance and by virtue of this Act, by reason or means of any Horses, Carts, or Carriages, going into or over the same, or for breaking up or digging any Part of the Ground or Soil so to be inclosed.

Saving always to the KING's most Excellent MAJESTY, General Saving.
his Heirs and Successors, and to all and every other Person and Persons, Bodies Politick and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators (Other than the said *Henry Arthur Earl of Powis*, and the said Bailiffs, Aldermen, and Burgesse, of the Borough of *Pool*, and their Successors, for the Time being, and all and every Person and Persons intitled to any Right of Common, in and upon the said Moors, Commons, and waste Grounds, so directed to be inclosed as aforesaid, his, her, and their Heirs, Successors, Executors, and Administrators respectively); All such Right, Title, and Interest, as they, every one of them, had and enjoyed, of, in, to, or out of, the said Moors, Commons, and waste Grounds, so directed to be inclosed as aforesaid, before the passing of this Act, or could or might have had and enjoyed, in case this Act had not been made.

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